

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

Crl.Rev.Pet.No. 752 of 2000()

CC.742/1996 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHERTHALA
CRA.206/1999 of ADDL. SESSIONS COURT, ALAPPUZHA
.....

REVN. PETITIONER:

SANKESH, S/O.MONIYAPPAN,
NAMBISSERIL HOUSE, CHERTHALA NORTH MURI,
CHERTHALA NORTH VILLAGE, CHERTHALA TALUK,
ALAPPUZHA DISTRICT.

BY ADV. DR.P.S.KRISHNA PILLAI

RESPONDENTS:

STATE OF KERALA RESPRESENTED BY THE
DIRECTOR OF PROSECUTIONS, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 09/07/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON CRL.M.P.NO.4061/2000 IN CRL.R.P.NO.752/2000

CLOSED

SD/- K.R.UDAYABHANU, JUDGE

09/07/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.752 of 2000
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Dated this the 9th day of July, 2007

O R D E R

The revision petitioner stands convicted for the offence under Sections 279 and 337 of the Indian Penal Code and also for the offence under Section 134(a) & (b) read with Section 187 of the Motor Vehicles Act; and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.750 and in default to undergo simple imprisonment for further period of one month for the offence under Section 279 I.P.C.; simple imprisonment for two months and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for two weeks under Section 337 I.P.C.; and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for one month for infraction of Section 187 of the M.V.Act. The sentences of imprisonment were ordered to run concurrently. The driving licence stands suspended for a period of two months.

2. The prosecution case is that on 16/03/1996 at about 4.30 p.m., the accused drove stage carriage bus by name 'Seena', bearing Reg.No.KRK.5444, in a rash and negligent manner so as to endanger human life, on the Cherthala-Thaikkal road from west to east and it hit on the coconut tree standing on the southern side of the road with the result PWs.2 to 5 and the child of PW.1 sustained injuries.

3. The evidence adduced in the matter consisted testimony of PWs.1 to 11 and Exts.P1 to P12. The counsel for the revision petitioner has only pleaded for leniency and for modification of the sentence pointing out that more than 10 years have already elapsed since the date of the incident, and so far the accused has been facing the criminal proceedings.

In the circumstances, considering the long delay, I find that the sentence is liable to be modified. Hence, the sentence is modified that the revision petitioner/accused shall pay a fine of rupees one thousand and in default to undergo simple imprisonment for two weeks for the offence under

Section 279 I.P.C; and to pay a fine of rupees five hundred and in default to undergo simple imprisonment for one week for the offence under Section 337 I.P.C. The sentence imposed for violation of Section 187 of M.V.Act is confirmed.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

ms

Crl.R.P.No.752/2000

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K.R.UDAYABHANU, J.

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Crl.R.P.No.752 of 2000
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O R D E R

9th July, 2007